

CALLAHAN EXHIBIT A

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1 Volume: II
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5 UNITED STATES DISTRICT COURT
6 DISTRICT OF MASSACHUSETTS

7 C.A. NO. 04-11193NG

8 -----x
9 SHAWN DRUMGOLD,
10 PLAINTIFF

11 VS.

12 TIMOTHY CALLAHAN, ET AL,
13 DEFENDANTS

14 -----x

15

16

17 CONTINUED DEPOSITION of TIMOTHY CALLAHAN, a
18 witness called on behalf of the Plaintiff, pursuant to the
19 provisions of the Federal Rules of Civil Procedure, before
20 Nancy M. Walsh, Certified Shorthand Reporter (#118593)/
21 Registered Professional Reporter and Notary Public in and
22 for the Commonwealth of Massachusetts, at the law office
23 of Tommasino & Tommasino, Two Center Plaza, Boston,
24 Massachusetts 02108, on Friday, March 2, 2007,
commencing at 10:06 a.m.

25

26

27

28 NANCY M. WALSH
29 COURT REPORTING SERVICES
30 131 CRANE STREET
31 DEDHAM, MASSACHUSETTS 02026
32 TELEPHONE (781) 326-5062
33 FAX (781) 326-5072

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00020

1 were in two places at once?

2 MR. CURRAN: Objection.

3 MR. WHITE: Objection.

4 MS. HARRIS: Objection. I'm going to
5 instruct the witness to read the entire report rather
6 than read it piecemeal.

7 MR. REILLY: I'm asking the witness to answer
8 the question that's in front of him. You have a right to
9 cross-examine him.

10 MR. CURRAN: You showed him a document that
11 he has every right to read the entire document that you
12 handed him.

13 MS. HARRIS: And he'll answer after he --

14 MR. REILLY: The question that's pending for
15 the witness is why was it that you suggested to Lisa
16 Graham that there was some reason to believe that these
17 witnesses were -- somebody was saying these witnesses
18 were in two places at once.

19 MS. HARRIS: Tim, I want you to read the
20 entire document from the beginning before you answer the
21 question.

22 MR. REILLY: I'm going to object to it, and
23 it's improper. You have a right to cross-examine, and I
24 have a right to ask questions. My question to this

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provisions of the Federal Rules of Civil Procedure, before

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Nancy M. Walsh, Certified Shorthand Reporter (#118593)/

17

Registered Professional Reporter and Notary Public in and

18

for the Commonwealth of Massachusetts, at the law office
of Tommasino & Tommasino, Two Center Plaza, Boston,

19

Massachusetts 02108, on Thursday, May 31, 2007,
commencing at 1:16 p.m.

20

21

22

NANCY M. WALSH

23

COURT REPORTING SERVICES

24

131 CRANE STREET

25

DEDHAM, MASSACHUSETTS 02026

26

TELEPHONE (781) 326-5062

27

FAX (781) 326-5072

00061

1 A Not that I recall, sir.

2 Q During the course of your tenure in the Homicide Division
3 of the Boston Police Department, were there occasions
4 when witnesses were interviewed by members of the
5 District Attorney's office outside the presence of the
6 investigators from the Boston Police Department?

7 A Yes, sir.

8 Q Is it fair to say that in the course of investigations or
9 trial preparation that that was a common occurrence due
10 to the busy scheduling issues of the members of the
11 Homicide Division in the Boston Police Department?

12 MR. REILLY: Objection.

13 A Yes, sir.

14 Q Do you know who was responsible for transporting
15 witnesses to the Suffolk County District Attorney's
16 office or to the courthouse during the course of the
17 trial of Commonwealth versus Shawn Drumgold and Terrance
18 Taylor?

19 A The District Attorney's office.

20 Q Did the District Attorney's office make arrangements for
21 the transportation of all the witnesses involved in --
22 that testified in the Commonwealth versus Shawn Drumgold
23 and Terrance Taylor?

24 A Yes, sir.

00074

1 A Yes, sir.

2 Q Did Lola tell you why she did not want Mary involved in
3 the trial?

4 A No, sir.

5 Q Did Lola tell you about any health problems that Mary
6 Alexander had?

7 A No.

8 Q Did Mary Alexander ever tell you that she had any health
9 problems?

10 A No, sir, with one exception.

11 Q What was that?

12 A When she fell through the porch.

13 Q When was that?

14 A I think it was a few days before the trial.

15 Q How did you find out about that?

16 A I was out investigating, and I heard a call relative to I
17 think it was 72 Homestead Street. And I knew that was
18 the residence of Alexander and Peaks. So I drove up, and
19 when I drove up, there was the fire department. I
20 believe the ambulance came a few minutes later. And I
21 looked on the porch --

22 MS. HARRIS: Wait for the next question, Tim.

23 Q What did you do next?

24 A I looked on the porch, and she had fallen -- one side of

00075

1 her body had fallen through the porch, and she was stuck.

2 Q Did you have any conversation with her or say anything to

3 her?

4 A Not at that time. There were three or four firefighters

5 trying to extricate her from the -- from the porch.

6 Q And what happened after that?

7 A They took her to the Carney Hospital.

8 Q Did you go to the Carney?

9 A Yes, sir.

10 Q Did you talk to her there?

11 A Yes, sir.

12 Q And what was the conversation when you talked to her at

13 the Carney?

14 A I brought her mother over with me to the Carney Hospital.

15 She was in on the stretcher. And I went in, and she said

16 something to the effect -- I believe about the case

17 coming up.

18 Q Mary or Lola?

19 A Mary. And I said to her, Forget about the case, just get

20 better.

21 Q Do you remember what she said about the case coming up?

22 A I think it was where it was coming up so fast. And then

23 I left, and I went out to her mother. And someone else

24 from Homestead Street had arrived, and I asked the mother

00076

1 if she would like a ride back home. And she said no, she

2 had a ride.

3 Q Did you find out what injuries Mary had suffered?

4 A I thought she had a broken leg, but no, I did not.

5 Q Did you talk to any of the doctors?

6 A No, sir.

7 Q Or nurses at the Carney?

8 A There was a nurse there, but I didn't speak to her.

9 Q When was the next time after that that you talked to Mary

10 Alexander?

11 A I think it was a day or two after she testified.

12 Q Were you involved in getting her to court when she

13 testified?

14 A No, sir.

15 Q Do you know who did that?

16 A No, sir.

17 Q Were you involved in getting her served with a subpoena

18 or arranging for her to appear at trial in any way?

19 A Other than finding her at Tennis Court, I had no

20 arrangements of bringing Mary Alexander or Tracie Peaks

21 to court.

22 Q How did you find her at Tennis Court?

23 A I don't recall.

24 Q What was the conversation you had with her several days

00077

1 after the trial?

2 A After she had testified, we were over in Roxbury. She

3 was out there, and she had told me how the people had

4 come -- the people, a jury or someone had come to her

5 porch and how she had looked out and yelled at her mother

6 that she saw the murderer.

7 Q And this was after the -- after her testimony?

8 A Yes, sir.

9 Q Was the trial still ongoing?

10 A I believe it was, sir.

11 Q What did you do when she told you that?

12 A Nothing. I just said, Oh, okay.

13 Q Did Lola ever tell you that at any time until today that

14 her daughter was sick as opposed to having a broken leg,

15 that her daughter had any illness?

16 A The only knowledge I have in regards to the illness is

17 the newspapers.

18 Q And when was the first time you learned that Mary

19 Alexander had cancer?

20 A I'm not -- cancer?

21 Q Yes.

22 A I thought it was -- I didn't know it was cancer. I don't

23 know what it was, but I read in the newspapers about Mary

24 having problems. And to the best of my recollection,

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18 Registered Professional Reporter and Notary Public in and
19 for the Commonwealth of Massachusetts, at the law office
20 of Tommasino & Tommasino, Two Center Plaza, Boston,
21 Massachusetts 02108, on Friday, September 8, 2006,
22 commencing at 10:27 a.m.

23 NANCY M. WALSH
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00122

1 Q When did you first meet Ricky Evans?

2 A I believe it was around December of 1988.

3 Q And what was the occasion for you meeting him?

4 A He was shot and his uncle was killed.

5 Q And what was his uncle's name?

6 A I think it was Willie.

7 Q Evans?

8 A Yes, sir.

9 Q And were you the detective in charge of the investigation

10 of the shooting of Willie Evans?

11 A Yes, sir.

12 Q What involvement did Ricky Evans have in that

13 investigation?

14 A He was the main witness in the case, sir.

15 Q And did he identify someone as the shooter?

16 A Yes, sir.

17 Q And who did he identify?

18 A An individual known as Chilly. I believe his true name

19 was Trea Carter, T-r-e-a C-a-r-t-e-r.

20 MR. ROACHE: Treas, T-r-e-a-s.

21 Q And was Treas Carter charged with that murder?

22 A Yes, sir.

23 Q And was he convicted of that murder?

24 A Yes, sir.

00123

1 Q Was there a trial or did he plea?

2 A I believe he pled, sir.

3 Q When was it that he pled?

4 A I don't remember.

5 Q Was it before or after the Drumgold trial?

6 A After, sir.

7 Q So at the time Shawn Drumgold was tried, the Treas Carter

8 case was pending; is that correct?

9 A Yes, sir.

10 Q Did Ricky Evans testify before the grand jury in

11 connection with the Treas Carter case?

12 A I believe he did.

13 Q And do you remember roughly when that grand jury was?

14 A No, sir.

15 Q How many times did you speak to Ricky Evans from the time

16 of the shooting in December of 1988 until your first

17 conversation with him about the Tiffany Moore case?

18 A I had spoken to him a number of times trying to get an

19 identification of the perpetrator involving his incident.

20 I don't recall exactly how many, but it was more than

21 two.

22 Q Did he know Treas Carter before the shooting?

23 A He knew him as Chilly, sir.

24 Q When was it you first learned that Ricky Evans had any

00124

1 information concerning the Tiffany Moore shooting?

2 A I believe it was June 21, 1989.

3 Q And what helps you fix that date in your mind?

4 A I read over a transcript of Mr. Rappaport questioning me,

5 and he referred to a report on June 21st. And I believe

6 that's the original conversation I had.

7 Q Do you know whose report that was referring to?

8 A I believe it's going to be mine, but I have not been able

9 to see that report.

10 MR. CURRAN: Can we go off the record?

11 MR. REILLY: Yes.

12 (Discussion off the record.)

13 Q Do you have any memory of writing a report on June 21 of

14 '89 concerning Ricky Evans?

15 A My best memory is when I spoke to him on the telephone I

16 believe it was a weekend or a Friday and where he gave

17 significant information. I don't have a direct memory

18 that I sat down and typed it. But during the normal

19 course of business, I would have typed a quick report,

20 and I believe I did --

21 Q And this --

22 A -- based upon reading that questioning by Attorney

23 Rappaport.

24 Q I guess what I'm asking though is other than what you

00125

1 read in the cross-examination from Attorney Rappaport, do
2 you have any independent memory of preparing such a
3 report?

4 A I believe I did. I believe I did.

5 Q Do you know any reason why a copy of that report wouldn't
6 be present in the Boston Police Department records on
7 this case?

8 A No, sir, I don't.

9 Q Do you keep any copies yourself of reports that you
10 prepare in connection with investigations?

11 A It would be in the file. I mean everything I do would be
12 in the file in the Boston Police case.

13 Q When you retired, did you take any copies of reports with
14 you?

15 A Not to my knowledge.

16 Q Do you know any other place that a report of June 21,
17 1989 would be located other than in the Homicide Unit
18 record on this case?

19 A I don't know, sir.

20 Q Have you personally made any efforts to search for a June
21 21, 1989 report?

22 MR. ROACHE: Regarding Ricky Evans.

23 Q Any report by you dated June 21, 1989?

24 A No, just the records that were furnished and my readings.

00142

1 A No, I had no idea who he was. I assumed he was a private
2 investigator based upon what Ricky had told me, but I had
3 no knowledge of who he was.

4 Q Did you know a Lawrence Fallon at that point?

5 A No, sir.

6 Q Did you do anything to find out who he was?

7 A No, sir.

8 Q What did Ricky ask you to do, if anything?

9 MS. HARRIS: Can he see the report that we're
10 referring to?

11 MR. REILLY: No.

12 MS. HARRIS: I'll object. That is
13 unreasonable.

14 MR. REILLY: I'm not asking him about what's
15 in the report. I'm asking him about something different
16 than the report. I'm holding a report, but I'm asking
17 him a different question.

18 A When I got there, Ricky had told me that he had been
19 thrown out. I had asked him, Well, where are you going,
20 because I know it was a couple of weeks before the trial.
21 And he said, I don't know. I says, Where can you go,
22 where are we going to reach you, what's going to happen?
23 And he said, I don't know, I don't know. And I was
24 absolutely aware that there were two other shooters from

00143

1 the first incident and possibly other suspects on the
2 other incident. And I was concerned for his appearance
3 in court and for his safety.

4 Q So what did you say?

5 A I said to him, Well, if you're not -- if you're going to
6 be living in a doorway, we can't allow this to happen.
7 So I took him to Howard Johnson's.

8 Q What was the reason or reasons that you took him to
9 Howard Johnson's?

10 A I just felt a duty and a moral obligation to make sure
11 that this person came forward for the trial both safely
12 and his attendance was assured.

13 Q Was the visit by Lawrence Fallon a reason you took him to
14 Howard Johnson's?

15 A That was one of the reasons, yes, sir.

16 Q What was the connection between that and taking him to
17 Howard Johnson's?

18 MS. HARRIS: Again, I'm going -- you're
19 asking him about the substance of his report. You're
20 asking him about the experience of Fallon. It's
21 unreasonable for you to expect this man to memorize 6,000
22 pages of documents.

23 MR. REILLY: I understand the objection.

24 MR. CURRAN: Well, provide him with the

00144

1 report.

2 Q What was the connection between Lawrence Fallon appearing

3 at the house and your decision to put him into Howard

4 Johnson's?

5 A It was my impression based upon what Mr. Evans told me

6 that he was getting undue pressure from a private

7 investigator relative to a serious crime, number one.

8 Q What other reasons did you want to put Ricky Fallon into

9 Howard Johnson's?

10 MS. SCAPICCHIO: Ricky Evans.

11 Q Ricky Evans.

12 A Another reason was to have his attendance before the

13 court.

14 Q Any other reason?

15 A Yes, and his safety.

16 Q How did you know to bring him to Howard Johnson's?

17 A I didn't. It was just the closest place going back to

18 homicide.

19 Q Had you ever heard of any other witness involved with the

20 Boston Police Department being put up at Howard

21 Johnson's?

22 A In regards to this matter?

23 Q In any case.

24 A I don't have a present memory, no.